

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 14364US24)

In the Application of:

Kubler, et al.

Serial No.: 10/822,447

Filed: April 8, 2004

For: HIERARCHICAL DATA COLLECTION
NETWORK SUPPORTING
PACKETIZED VOICE
COMMUNICATIONS AMONG
WIRELESS TERMINALS AND
TELEPHONES

**Electronically Filed on
May 7, 2008.**

Art Unit: 2619

Examiner: HALIYUR, VENKATESH N.

Confirmation No.: 2456

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application (the "Application"), set forth in the final Office Action mailed on January 7, 2008 (hereinafter, "Final OA"). The Final OA states that the Applicants' reply to the previous office action (mailed on July 25, 2007, hereinafter "July OA") is not persuasive. The Advisory Action mailed April 1, 2008 maintained the rejection of the Final OA. No amendments are being filed with this request. This request is being filed with a Notice of Appeal, and is accompanied by a Petition For Extension Of Time Under 37 C.F.R. §1.136(a) for a one (1) month extension, extending the deadline for reply to May 7, 2008.

REMARKS

The present application includes pending claims 1-42, all of which have been rejected. The Applicants respectfully submit that claims 1-42 define patentable subject matter.

Claims 1-3, 5-7, 9-16, 18-214, 26-28, 30-37, and 39-42 were rejected under 35 U.S.C. 102(e) as being anticipated by Huang (US 5,434,856). Claims 4, 8, 17, 25, 29, and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Meier et al. (US 5,394,436, "hereinafter "Meier"). The Applicants respectfully traverse the rejections of the final Office action mailed January 7, 2008, for at least the following reasons:

The Applicants respectfully submit that Huang does not anticipate claims 1-3, 5-7, 9-16, 18-214, 26-28, 30-37, and 39-42.

With regard to claim 1, Applicants respectfully submit that Huang does not teach or suggest, at least, "[a] communication network...comprising:...a plurality of mobile network devices comprising a buffer that stores incoming digital voice information for a predetermined queuing period before beginning voice reproduction from the stored digital voice information;...." See March 7, 2008 Response at pages 16-18.

The Final OA states, at page 3, that "items 114-116" of Fig. 1, "item 200" of Fig. 2, and column 1, lines 58-67 of Huang anticipate this aspect of claim 1. Applicants respectfully point out that portions of claim 1, e.g., the term "mobile network devices", seem to have been misconstrued. Applicants respectfully submit that the Office is looking at the "mobile network device" as a "mobile network device", and cites a stationary device ("items 114-116" are "base stations") as teaching this feature. Huang does not teach that "base stations" are mobile, as in Applicants' term "mobile network devices". See March 8, 2008 Response at page 17.

In addition, Applicants respectfully point out that Huang does not teach that "base stations 114-116" comprise "...a buffer that stores incoming digital voice information for a predetermined queuing period...", allegedly taught by

"item 200" of Fig. 2. Applicants respectfully point out that "item 200" of Fig. 2 of Huang is a "console", which is different from the "base stations 114-116". See March 8, 2008 Response at pages 17-18. Therefore, Huang does not teach at least this aspect of Applicants' claim 1.

Further with regard to claim 1, Applicants respectfully submit that Huang does not teach or suggest, at least, "[a] communication network...comprising:...a hardwired network connected to both said stationary network device and said wireless network; said hardwired network being used to route voice and data packets between said stationary network device and said plurality of mobile network devices which participate via said wireless network;..." See March 7, 2008 Response at pages 18-20.

The Final OA states that Huang discloses "...a hardwired network (**LAN, item 125 of Fig 1**) connected to both said stationary network device (**packet gateway**) and said wireless network (**items 111-113 of Fig 1, col. 2, lines 1-23**);..." (emphasis in original.) See Office action at pages 3 and 4. The Applicants respectfully point out that the "LAN 125" does not connect to both the "packet gateway 121" and the "coverage areas 111-113", in accordance with Applicants' claim 1. See March 8, 2008 Response at page 19. Therefore, Huang does not teach at least this aspect of Applicants' claim 1.

Continuing with regard to claim 1, Applicants respectfully submit that Huang does not teach, at least, "[a] communication network...comprising:...a telephone, connected to said stationary network device, that **captures**, delivers, receives and reproduces **voice in an analog voice stream form**;..." See March 7, 2008 Response at pages 20-21.

The Final OA states that Huang discloses "...a telephone (**consoles, item 122 of Fig 1**), connected to said stationary network device, that captures, delivers, receives and reproduces voice in an analog voice stream form (**col. 2, lines 41-52**);..." (emphasis in original) See Office action at page 4. Applicants respectfully point out that while Huang may disclose "reproduction", Huang does not teach that the "consoles 122-124" behave as "a telephone" that "...**captures**,

delivers, receives and reproduces **voice in an analog voice stream form...**", as recited by Applicants' claim 1. See March 8, 2008 Response at page 21. Therefore, Huang does not teach at least this aspect of Applicants' claim 1.

Still further with regard to claim 1, Applicants respectfully submit that Huang does not teach or suggest at least Applicants' feature "[a] communication network...comprising:...said stationary network device comprising a buffer that stores digital voice information received from said wireless network for a predetermined queuing period before converting the stored digital voice information into an analog voice stream and delivering the analog voice stream to said telephone;..." and "...said stationary network device converts analog voice streams received from said telephone into voice packets for delivery via said hardwired and wireless networks to a selected one of said plurality of mobile network devices." See March 7, 2008 Response at pages 22-26.

The Final OA states that Huang discloses "...said stationary network device comprising a buffer that stores digital voice information received from said wireless network for a predetermined queuing period before converting the stored digital voice information (**voice packets**) into an analog voice stream (**D/A, item 210 of Fig 2, col. 3, lines 1-42**) and delivering the analog voice stream to said telephone (**col. 2, lines 53-67**);..." and "...said stationary network device converts analog voice streams received from said telephone into voice packets for delivery via said hardwired and wireless networks to a selected one of said plurality of mobile network devices (**col. 2, lines 24-40**)." (emphasis in original) See page 4 of Office action. Applicants respectfully point out that the Office is inconsistent in its interpretation of the teachings of Huang, for example with respect to the "packet gateway 121" of Fig. 1. See March 7, 2008 Response at pages 22-23. With regard to conversion of analog voice streams in the "stationary network device", the Office cites elements of Huang that are not in the "packet gateway 121", identified as teaching Applicants' "stationary network device", but that are in the "consoles 122-124". See March 7, 2008 Response at page 23. The Office also asserts that "buffers" of the "consoles 122-124" of

Huang teach elements of Applicants' "stationary network device", which is allegedly taught by the "packet gateway 121" of Huang. *See* March 7, 2008 Response at page 25. Therefore, Huang does not teach at least these aspects of Applicants' claim 1.

Moreover, Applicants respectfully point out that while the Office may have identified some, but not all of the functional elements of Applicants' claim 1, the Office has failed to show how Huang teaches the structural and functional relationships of those elements, in accordance with claim 1, as required by M.P.E.P. §2131. *See* March 7, 2008 Response at page 27.

Based at least upon the above, Applicants respectfully submit that the Office has failed to show how and why Huang teaches each and every element of Applicants' independent claim 1, and that claim 1, and claims 2-14 that depend therefrom, are allowable.

With regard to independent claims 15, 18, 22, 36, and 39, Applicants respectfully submit that independent claims 15, 18, 22, 36, and 39 are rejected for the same reasons as independent claim 1. Therefore, Applicants respectfully submit that independent claims 15, 18, 22, 36, and 39, and the claims that depend therefrom, are also allowable. With regard to claims 4, 8, 17, 25, 29, and 38, Applicants respectfully point out that Meier fails to remedy the shortcomings of Huang. *See* March 7, 2008 Response at page 28.

Therefore, Applicants respectfully submit that pending claims 1-42 of the present application are allowable for at least the reasons discussed during prosecution of the Application, and request that the outstanding rejections be reconsidered and withdrawn.

Respectfully submitted,

Date: May 7, 2008
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